

INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, January 6, 2025 - 6:00 P.M. - 8150 BARBARA AVENUE

1. CALL TO ORDER:

The City Council of Inver Grove Heights met in regular session on Monday, January 6, 2025. Mayor Dietrich called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

2. ROLL CALL:

Present In-Person: Mayor Dietrich; Council Members: Murphy, T’Kach, Gliva and Scales; City Administrator Wilson, City Clerk Kiernan, Police Chief Chiodo, Fire Chief Thill, Public Works Director Connolly, City Engineer Merchlewicz, City Attorney Nason, Community Development Director Ziemer, Finance Director Hove, IT Manager Gade, Communication Specialist Allie, Assistant Fire Chief Bergum, and Commander Otis.

3. APPROVAL OF AGENDA:

Mayor Dietrich asked for Public Comment to be moved after Item 7C.

Motion to move Public Comment up on the Agenda prior to the closed session and approve amended Agenda by Gliva, second by T’Kach.

Ayes: 5

Nays: 0 Motion carried.

4. PRESENTATIONS:

A. Swearing In of Mayor and Council Members.

Mayor Dietrich, Council Member Gliva, and Council Member Scales were sworn in for their new terms.

5. CONSENT AGENDA:

- A.** Approval of Minutes of the December 2, 2024, City Council Meeting
- B.** Approval of Minutes of the December 9, 2024 City Council Meeting
- C.** Approval of Disbursements, **Resolution 2025-001**
- D.** Personnel Actions
- E.** 2025 Official Newspaper Designation
- F.** Appointment of Acting Mayor
- G.** Appointment of Assistant Weed Inspector
- H.** Resolution Authorizing Official Depositories for 2025, **Resolution 2025-002**
- I.** Resolution Authorizing Electronic Fund Transfers for 2025, **Resolution 2025-003**
- J.** Resolution Adopting Annual Update to the City of Inver Grove Heights Emergency Operations Plan, **Resolution 2025-004**
- K.** Resolution Approving Minimum Cash Reserve Policy for Stormwater Operating Fund, Transferring Excess Balances and Consolidating Capital Funds, **Resolution 2025-005**

- L.** Resolutions Amending the City's Special Assessment Policy and Hardship Deferral Requirements, **Resolution 2025-006**
- M.** Resolution Finalizing Budget, Closing City Project No. 2017-24, and Closing Fund 406 – MSA Fund, **Resolution 2025-007**
- N.** Resolution Approving Write-Off of Overspent Escrow Accounts, **Resolution 2025-009**
- O.** Approval of Hotel Licenses
- P.** Resolution Approving the Vacation of Drainage and Utility Easement – 17 High Road, **Resolution 2025-009**

Council Member Murphy requested Item 5O be removed from the Consent Agenda for discussion.

Motion to approve Item A - N & P by T'Kach, second by Scales.

Ayes: 5

Nays: 0 Motion carried.

Council Member Murphy said the Coratel Inn & Suites has many abandoned vehicles and a trailer filled with recyclables and wrought iron and asked if these items on the property were permitted in the licenses. It is not conducive to people staying at the hotel, residents or other businesses that might want to move into the area.

Director Ziemer said the code compliance officer went to the property and talked to the hotel. A staff member at the hotel said that all of the vehicles on the property are operable and belong to guests staying at the hotel including homeless guests that are residing in a room at the hotel. There is no one staying on the property that is not in a room at the hotel. There is no one living in the RV and the only violation was the trailer that is currently covered with the tarp. The hotel is working to have the trailer removed.

Motion to approve Item O Hotel License by Murphy, second by T'Kach.

Ayes: 5

Nays: 0 Motion carried.

6. PUBLIC HEARING:

A. Liquor License Renewal

Clerk Kiernan presented this item. The renewal is for Arbor Point Golf course, which is not in operation at this time and that is why it is late. Staff reviewed the application, and it was complete and eligible for renewal. Staff recommend holding a public hearing and approving the liquor license.

Mayor Dietrich opened the public hearing.

There were no public comments.

Motion to close public hearing by Scales, second by Gliva.

Ayes: 5

Nays: 0 Motion carried.

Motion to approve Arbor Point Golf Course liquor license renewal by Gliva, second by T’Kach.**Ayes: 5****Nays: 0****7. REGULAR BUSINESS:****A. Rental Housing Licenses**

Director Ziemer presented 15 rental housing licenses for individual units including single family homes and townhomes except for the last license that is for three 17-unit apartment buildings totaling 51 units. Staff has reviewed the applications and found them to be eligible for licenses and recommends approval.

Motion to approve 15 rental housing license Scales, second by Murphy.**Ayes: 5****Nays: 0 Motion carried.****B. Resolution Denying Request to Rezone 9120 Rich Valley Boulevard from Agriculture (A) to Estate Residential (E-1)**

Director Ziemer presented this item.

Overview:

- Application
 - Rezoning request of Subject Property
 - Proposed Zoning: E-1, Estate District
- Subject Property
 - Location: 9120 Rich Valley Boulevard
 - Land Use & Zoning
 - RDR, Rural Density Residential
 - A, Agricultural District
 - Lot Area: 5.53 Acres

Request Analysis:

- Purpose of Rezoning
 - Create a second lot to construct new home
 - Would require replat of property
 - Lot division @ E-1 Standards
 - Unable to meet minimum width per lot (200')
 - Uncertain can meet minimum area (2.5 acres)
 - Dedication of ROW with replat will subtract from lot area
 - Meet minimum standards without variance(s)
 - Zoning variance = practical difficulties
 - Subdivision variance = undue hardship
 - Applicant unlikely able to prove either/both

- Not considering lot division / variance(s)
- Current Lot Dimensions
 - Area: 5.53 Acres
 - Width: Approximately 320 feet
 - Measured 30' from current ROW easement
- Agricultural (A) District Standards
 - Minimum Lot Standards
 - Lot Area: 5.0 Acres
 - Lot Width: 200 Feet
- Estate (E-1) District Standards
 - Minimum Lot Standards
 - Lot Area: 2.5 Acres
 - Lot Width: 200 Feet
- Rezoning Request
 - A & E-1 zoning match RDR Land Use
 - Rural residential development patterns
 - "Acreage" lots
 - Private wells & individual septic systems
 - Lots in neighborhood range in size
 - Variety of zoning types in area (A, E-1, PUD & I-1)
 - Subject Property same as adjacent lots
 - Zoning: A, Agricultural District
 - Size: 5.0+ Acres
 - Uses: Consistent with zoning
 - Standards: Consistent with zoning (i.e., setbacks)
 - Approval results in "spot zoning"

Director Ziemer said all of the surrounding properties are zoned agricultural and if they were to change from A to E-1 it would be a simple form of spot zoning designation.

Planning Commission:

- Public Hearing
 - 12/03/2024
- Recommendation
 - Denial
 - Findings:
 - All neighboring properties adjacent to & across the street from Subject Property zoned same
 - Properties immediately adjacent to Subject Property conform to minimum use & zoning standards
 - If approved, the rezoning of the Subject Property would:
 - Establish zoning standards different than adjacent properties
 - Create potential negative impacts, such as competing or conflicting uses, increased density, etc.
 - Consider future re-evaluation of zoning of larger area

- Holistic approach to look at consistency of land use & zoning in larger neighborhood
- Such work not immediate or near priority

Staff did have conversations with the property owner and suggested building the second home in a way that if zoning changed in the future, they could subdivide the lot at that point.

Action Recommendation:

- Motion to approve the resolution denying the rezoning request for 9120 Rich Valley Boulevard from A, Agricultural to E-1, Estate Residential District.

Council Member Murphy asked if a second house could be built on the property without rezoning.

Director Ziemer said they could have an accessory dwelling unit like a mother-in-law suite on the property but would not be able to build a second home on the property.

The applicant was not in attendance.

Motion to approve Resolution 2025-010 Denying the application for rezoning of 9120 Rich Valley Blvd (PID 20-01900-27-016) from A, Agricultural District to E-1, Estate District by Murphy, second by Scales.

Ayes: 5

Nays: 0 Motion carried.

C. Multiple Agreements and Land Use Approvals to Permit the Vertical Expansion of Pine Bend Landfill

Administrator Wilson presented this item.

Expansion Request:

- Pine Bend Landfill (PBL) is seeking authorization to:
 - Accept additional cubic yards of waste,
 - Grow taller, and
 - Operate longer than currently permitted
- Process involves permits and approvals from:
 - State of MN via the MN Pollution Control Agency
 - Dakota county
 - City of IGH
- The City's role is focused on the landfill as a land use with our community and the negotiation of a Host Community Agreement.

City's Action Items:

1. Zoning Code Amendment
2. Amendment to Non-Conforming use Certificate (NCUC)
3. Conditional Use Permit for Vertical Expansion
4. Host Community Agreement

- Environmental Advisory Commission – reviewed the proposed CUP and recommended its approval (6-0 vote)
- Planning Commission – reviewed the proposed Zoning Code Amendment, NCUC Amendment and CUP – and recommended their approval (5-2-2 vote).
 - Two Public Hearings were held to provide opportunity for public comment.

The four action items were included in the Council packet but there is a slight change to one sentence in the Host Community Agreement that will be reviewed.

Pine Bend Landfill – Site:

- 2495 117th Street
- Between Highways 52/55 and Rich Valley Boulevard
- Sanitary landfill: mixed municipal solid waste, non-hazardous industrial solid waste, construction debris and demolition debris, non-infectious waste, and asbestos.

Basics of Request – Proposed Expansion – “Phase 7”:

- Currently authorized:
 - Max capacity 33,937,400 cubic yards (w/final cover)
 - Nearing current capacity limits by January 2028
 - Stop accepting waste & close by December 31, 2030
- Application for vertical capacity expansion
 - June 2022: Initial expansion request with MPCA
 - Environmental Assessment Worksheet completed & reviewed in 2023, determined no EIS needed
 - June 2024: Submitted land use applications to City
- Result of expansion
 - Vertically extend the 3:1 final cover slopes
 - Vertical expansion only, no footprint increase
 - Extend the life approximately 13.6 years
 - Raise height by approximately 86.8 feet at highest point

Zoning Code Amendment:

- Existing Land Use & Zoning
 - 2040 Land Use: GI, General Industrial
 - Zoning: I-2, General Industry
 - Landfill located in Overlay District
 - Integrated Resource Management (IRM) Overlay District
 - Proposed Zoning Code Amendment
 - Parcel would continue to be zoned I-1 and guided GI
 - Revisions proposed to the size and height allowed within the IRM.

Integrated Resource Management (IRM) Overlay District

- Identifies certain uses as Conditional Uses (§10-13E-6)
 - Air space expansion of an existing sanitary landfill

- Proposed City Code revisions
 - Subp. F: Final height not to exceed 1,105.8 feet
 - Subp. H: Capacity not to exceed 42,123,200 cubic yards
 - Subp. J: Remove
- Revisions consistent with amendments to:
 - Non-Conforming Use Certificate (NCUC)
 - Conditional Use Permit (CUP)

Mayor Dietrich asked what the reasons for abstaining were for the two members of the Planning Commission.

Administrator Wilson said there were no reasons provided.

Amendment to Non-Conforming Use Certificate:

- Pine Bend Landfill NCUC
 - Landfill permitted by MPCA in 1971
 - Municipal waste disposal facilities “outzoned” by IGH in 1991
 - NCUC for PBL created & approved in 1995
 - Clarified zoning status
 - Determined rights & responsibilities
 - Established specific controls
 - Previous amendments in 2002, 2004 & 2018

Administrator Wilson said the only changes are for the allowable height and total maximum capacity. The other provisions, including hours of operations and the types of waste they can collect remain the same.

Conditional Use Permit (CUP):

- Authorizes the additional landfill height and volume, subject to 21 total conditions.
- Majority of conditions in new CUP match those found in 2018 CUP

Administrator Wilson said they reviewed the 21 conditions in depth during the December 9th Council Meeting.

Conditions:

- Requires that the expansion be constructed and operated in accordance with the application materials and plan documents submitted.
- Identifies the list of past City actions and approvals, which remain in effect and which the Landfill must continue to comply with
- Identifies the types of waste that may be disposed of in the Landfill – no change from current list
- Requires that the Landfill connect to the City’s sanitary sewer system and pay the applicable connection and hook up charges once sanitary sewer is extended to the property (with 117th St. reconstruction)
- Establishes hours for construction of the expansion

- States that the landfill must comply with all applicable federal, state and county laws and regulations
- Conditions 11 and 12:
 - Surface water and groundwater monitoring
 - Same requirements as current CUP
 - Dual gas/leachate extraction system
 - Same requirements as current CUP
 - Except annual report due March 1 instead of February 1 to line up with State's deadline

Administrator Wilson said landfills release landfill gas which is approximately 50% methane. Leachate is also produced and is stormwater runoff from the landfill. The leachate will be piped into the City's sanitary sewer system when connected. It is currently being transported by truck to the Metropolitan Council's wastewater treatment facility

- Conditions 13, 14 and 15
 - All address subsurface gas migration – which was a major focus of the CUP issued for the last expansion
 - Requires compliance with MN Rule 7035.2815, Subpart 11 regarding landfill gas management
 - Last CUP (from 2018) required PBL to come into compliance and maintain compliance for 6 consecutive months by January 1, 2025 or 30 million cubic yards of waste – whichever came first.
 - If not met, the CUP requires the Landfill to cease operations until compliance is achieved.
 - PBL has not yet achieved compliance with this requirement.

Administrator Wilson said City staff and consultants have worked with the Minnesota Pollution Control Agency, who is the lead agency on the subsurface gas migration rules, and they have said that they believe PBL is working in the right direction and have made significant improvements. They are not taking any enforcement action against PBL as a result of the exceedances that are still being recorded in certain areas.

Subsurface Gas Migration:

- PBL currently makes:
 - Annual report to the City
 - Annual presentation to the City's Environmental Advisory Commission
- Starts with source control
 - 242 gas collection points
 - Renewable Natural Gas Plant
- Includes monitoring around perimeter of landfill
 - 39 probes – monitored quarterly, monthly if exceedance are detected
 - Ongoing efforts with new methods

Administrator Wilson said there are representatives from the City's Engineering Department and PBL that can answer Council's questions about subsurface gas migration.

Conditions 13, 14 and 15:

- Continued annual reporting to the EAC on progress
- Continued oversight by MPCA
- Not expected to worsen as a result of expansion

Administrator Wilson said the reason they believe the subsurface gas migration issue will not increase is because the gas is believed to be coming from the unlined portion of the landfill that does not have the collection system. The landfill area above the liner has a modern gas collection system that collects the gas and sends it to the renewable natural gas facilities.

Draft CUP for this expansion includes:

- Extending the deadline 2 more years or to 35 million cubic yards
- Grants the City Council the authority to waive this requirement if adequate progress is being made
- Continued annual reporting – but with trend analysis
- Requires efforts by PBL to identify the outer boundaries of subsurface gas plume

Administrator Wilson said they know where the gas is reaching but they do not know how much further the gas is reaching beyond the probes.

Conditions (continued):

- Requires MPCA air emission permit for the Renewable Natural Gas facility.
- Makes both the owner and the operator of the Landfill responsible for compliance with the CUP
- Documents that a breach of the Host Community Agreement is a violation of this CUP
- Identifies the effective date of this CUP is the effective date of the new Host Community Agreement
- Notes that the terms of this CUP are subject to the approval of the Commissioner of the MPCA
- Makes this CUP effective only if a valid Host Community Agreement is in place
- States that any violation of the CUP is cause for revocation of the CUP

Pine Bend Landfill – 4th Restated Host Community Agreement:

- Term: January 2025 – December 2032 (8 years)
- Key Topics:
 - Closure Date – December 31, 2042
 - Emergency Preparedness
 - Host Community Fee Payments
 - Collection from City Facilities
 - Indemnification
 - Special Assessment Agreement
 - Settlement & Waiver of Claims

Administrator Wilson said this is the 5th Host Community Agreement overall. The permits and land-use applications allow PBL to remain open until December 31, 2042 but

Administrator Wilson and Attorney Nason did not think this timeframe would give the City the controls and assurances they would prefer. In 2032, the City leaders can revisit this and determine if it is still working or if there are other conditions or agreements that need to be entered in to. This timeframe should also align with Dakota County's Host Agreement with PBL. Dakota County has been doing five-year agreements with PBL. If they enter a new five-year agreement, it will end in 2032. The Host Community Agreement is the only document that includes a closure date. The emergency preparedness measures include things that the landfill commits to do to keep the site safe and reduce the risk of fire. It also includes what Inver Grove Heights Fire Department is prepared to do in case of a fire and cost reimbursements from PBL to the City.

Administrator Wilson said the City and Dakota County are preparing to reconstruct 117th Street to extend sanitary sewer. There is an agreement that PBL will not appeal any assessment amount as long as it does not exceed \$3 million. The Settlement and Waiver of claims is related to two previously entered agreements between the City and PBL. One is the third restated Host Community Agreement, which is the current agreement. There is a Southern Water Extension agreement that was entered into in the nineties. That agreement provided for the extension of municipal water service to properties previously using private water wells in the area. PBL paid for the extension and had ongoing financial obligations to the City. This Host Community agreement completes the contract with a final payment to the City's water fund.

Administrator Wilson said the change from the packet relates to the closure date and is a rewording with the same outcome. PBL's attorneys requested different language but it makes it clear that the Host Community Agreement extends to December 31, 2032 but may operate through December 31, 2042 as long as a new Host Community Agreement is in place.

Administrator Wilson said PBL makes two types of payments to the City, a lump sum payment and a per ton payment.

Host Community Fee Payments:

- Annual Lump Sum Payment

Year	Current Amount		Year	New Amount
2025	\$225,000		2025	\$250,000
2026	\$225,000		2026	\$257,000
2027	\$225,000		2027	\$265,225
2028	\$125,000		2028	\$273,182
2029	\$125,000		2029	\$281,377
2030	\$0		2030	\$289,819
2031	NA		2031	\$298,513
2032	NA		2032	\$307,468

- Per Ton Payments

Year	Current Amount		Year	New Amount
2025	\$8.34/\$1.00/\$8.34		2025	\$8.00

2026	\$8.69/\$1.00/\$8.69		2026	\$8.24
2027	\$9.05/\$1.00/\$8.69		2027	\$8.49
2028	\$9.42/\$1.00/\$8.69		2028	\$8.74
2029	\$9.79/\$1.00/\$9.79		2029	\$9.00
2030	\$10.17/\$1.00/\$10.17		2030	\$9.27
2031	NA		2031	\$9.55
2032	NA		2032	\$9.84

*Guaranteed at least \$720,000 per year in per ton payments.

Administrator Wilson said the current agreement says tons 1 – 260,000 pay \$8.69 per ton, tons 260,001 – 400,000 pay just \$1 per ton, and 400,001+ tons goes back to \$8.69 per ton. The new Host Community Agreement has a set amount per ton. The \$720,000 guaranteed minimum is approximately 90,000 tons added to the landfill which would be a significant drop from what has been landfilled in recent years.

Next Steps – MPCA Review of CUP

Administrator Wilson said if the Council approves the new agreement, the Minnesota Pollution control Agency will need to review the City's actions.

- MN Statute 473.811, Subd. 4a.
 - Ordinance; general conditions; restrictions; applications.

...With the approval of the commissioner, local government units may impose and enforce reasonable conditions respecting the construction, operation, inspection, monitoring, and maintenance of the disposal facilities...

Administrator Wilson said Staff has shared drafts of these items with the MPCA Commissioner's office and received a report back that they had been reviewed and there were no comments. Staff is optimistic that they find the terms and conditions in the documents reasonable but they will have to go through a final formal review with the Commissioner's office.

City's Action Items:

1. Zoning Code Amendment
2. Amendment to Non-Conforming Use Certificate (NCUC)
3. Conditional Use Permit for Vertical Expansion
4. Host Community Agreement

Items #2 and 3 require a 4/5ths vote to approve.

Administrator Wilson said that Council is asked to consider each of the four items independently.

Mayor Dietrich asked if the agreement included collection for the citywide cleanup day or Inver Grove Heights Days.

Administrator Wilson said no, the citywide cleanup day is operated through a grant program from Dakota County. Administrator Wilson was not aware of any agreement for Inver Grove Heights Days.

Council Member T’Kach asked for more information about the outer boundaries of the subsurface gas plume.

Administrator Wilson said the state rule sets a maximum level of gas migration that can be detected at the boundary of the property. Testing is focused at the boundary of the property. When there is an exceedance, they know that some subsurface gas migration is reaching the probe at that location. It does not tell them how far beyond the probe the edge is. The property of the landfill is very consumed by the footprint of the landfill. There are railroad tracks on two sides and the rule says they have to measure at the property boundary. It has been a challenge for PBL.

Council Member T’Kach asked if they could do testing further out with permission from the other landowners.

Administrator Wilson said yes, she believes they can. They own some land surrounding the landfill where they do a little testing.

Council Member T’Kach asked if the parent company has any experience with landfill mining anywhere in the country and if they do, what are the findings.

Tyler Kraft, general manager at Republic Services, said they do not currently have any operations doing any landfill mining. They did some pilots and studies, but he does not have the specific information and nothing that was deemed commercially viable at the time.

Council Member T’Kach asked if they would consider a pilot project in Inver Grove Heights if permitted.

Kraft said it would have to be evaluated as there are permits and other things to review. They could consider it.

Council Member T’Kach asked if they had any plans for pre-processing waste to reduce the volume of organics and recyclables.

Kraft said they support waste diversion programs and sustainability programs. There are economic impacts and city, county, and state ordinances. They try to evaluate what they can do within the confines of the ordinances. They try to take every approach they can to be sustainable and try to determine how they can comply with other programs.

Council Member T’Kach said the City and State have programs to try to keep electronics and other toxic materials out of the waste stream and asked if they are doing anything to help reduce the toxicity of what ends up in the landfill.

Kraft said they support the City and State programs and ban certain materials from coming into the landfill.

Aaron Janusz – Environmental Manager at Pine Bend Landfill – said they see some electronics and appliances coming into the landfill, but not much. They have roll-offs that they put these items into and only have enough to actually recycle every few years. People are complying with those rules.

Council Member T’Kach asked if they had plans to separate organics and wet waste that generate a lot of methane gas.

Janusz said a lot of policies are driven by the State. It is an ongoing challenge of determining how to collect organics and get it to a certain place. They are part of the conversation but cannot solve it on their own.

Council Member T’Kach asked if they have considered onsite organics management.

Kraft said there are many approaches to diverting organic materials from the landfill. Republic Services has many programs that are already active in Minnesota. They have done various reviews and are looking at potential capacities for organic sites and what would be needed. They are trying to understand the demand as programs and mandates come.

Mayor Dietrich asked how Republic Services decided to donate \$15,000 to the Parks & Rec department.

Kraft said it was prior to his time at Republic Services but he has heard it was to help some of the things at the Community Center. Republic Services’ intentions are to give back to the communities where they all live and work and be good stewards of their neighbors.

Bryan Pitterle, the City’s consulting engineer from Barr Engineering, stood to answer Council questions.

Council Member T’Kach asked if there was PFAS contamination from groundwater going into the Mississippi River and asked if there were any plume maps available.

Pitterle showed a map of all of the monitoring locations and some of the contaminants. There are different slides that include metals, DOCs, and PFAS. There are two locations at the river that show PFAS contamination.

Council Member T’Kach asked to confirm if there was contamination going into the river.

Pitterle said yes, it is likely there is contamination going into the river. There is contamination showing at all of the locations, so it is difficult to discern where the plume is. The groundwater flows in an east/northeast direction and the contamination is not going to the west side of the site.

Council Member T’Kach asked if there could be contamination from other things other than the landfill.

Pitterle said based on the pattern and contaminants that are being seen it is difficult to discern between Crosby American Landfill versus Pine Bend Landfill.

Council Member T’Kach asked if the sooner they stopped adding waste to the landfill, the sooner the pollution would be abated through natural solutions.

Pitterle said most of the contamination is believed to be coming from the waste that is unlined, continuing with an expansion is not believed to exasperate the contamination.

Council Member T’Kach asked if it makes sense to not put anything on top of the liner over the unlined portion and asked to confirm there was a liner over the previously unlined area.

Pitterle said there is an area where waste was put down prior to a lining. Most of the area has a liner on top of it and then they put waste on top of the liner. There are some portions on the north side where they put a cover over it so there is a geomembrane liner system on it, but it acts as a cover and there is no waste above that.

Council Member T’Kach asked if it made more sense to move more of the waste on the fully lined area versus the portions where there was originally no liner.

Pitterle said there is environmental control as far as the liner and collection systems. There is not a difference if there is waste underneath it or not.

Council Member T’Kach said the MPCA, or legislature may say that any unlined space in a landfill needs to be lined from the ground up. There would be a removal process, a liner put in and then waste put back down. Council Member T’Kach asked if it would make sense for the City and PBL not have the unlined area get worse.

Pitterle said he would not be able to answer that questions.

Council Member T’Kach asked if Pitterle was aware of any new methane gas remediation that may be coming.

Pitterle said PBL has put in additional vents and fans and put them on a more permanent electrical system, but the results will not be known until the next annual report. PBL is adding additional features and working with MPCA. There is not anything new currently, but PBL is making additional efforts.

Council Member T’Kach asked if there was anywhere else in Minnesota that might have better soil for a landfill because they may eventually see perforations in linings over time. Climatologists are saying there is going to be more rain and more extreme rain events. There may be different kinds of impacts than seen historically around leachate collection and the ability of current infrastructure in the landfills to manage these types of events.

Pitterle said there are theoretically better locations for a landfill, but they do have environmental controls to comply with the regulations of the MPCA.

Council Member Gliva asked if annual testing for the gas mitigation process is sufficient or if semiannual reporting would be better to track the progress.

Janusz said they measure every probe quarterly and if there is an exceedance, they measure the probe monthly. The annual reporting is a summary of all of the monitoring, and it is submitted to the City and State along with a presentation to the Environmental Advisory Commission.

Council Member Gliva asked to confirm that they only receive the information once per year.

Janusz said there is a process where they complete a report and a work plan and the City, County and State receive both the report and work plan. If they are seeing new things they will communicate it throughout the year, but it is summarized annually.

Council Member Gliva asked to confirm that the Host Community Agreement had two years when the gas mitigation had to be improved.

Janusz said the goal is to have the gas migration completely mitigated within two years.

Council Member Gliva asked if year over year it does not improve does the landfill cease operations.

Janusz said it is a collaboration where they are working with the City, State and County. They have tried things over the years until they have found something that works. The current process seems to work so they are expanding it to the other areas in the landfill and hoping things improve. The annual report is a summary of what PBL has done over the course of a year.

Council Member Gliva asked if the City asked for a report throughout the year if PBL would be able to provide the information on where they are with gas mitigation.

Janusz said it is mostly raw data from the probes throughout the year. The threshold is 5% and the exceedances are reported for anything over 5%. They measure the probes every quarter or month and the information goes into a database but if the City had any questions, PBL would be able to share the information.

Council Member T’Kach asked if the reports could be sent to the City, and they could decide if the Council would like to see them.

Janusz said they could, but it is the raw data.

Council Member T’Kach said the data may be valuable to the Council.

Mayor Dietrich said they would discuss it as a body and if they choose to request more data, they will advise PBL.

Janusz said the annual report summarizes all of the data but if Council would like to see the information every week or month, they can send the data.

Council Member T’Kach said semiannually would be good to see if there is a trend before a whole year has passed. Council Member T’Kach asked to confirm if the items were approved, 2042 would be the absolute last date of reception of trash at PBL.

Janusz said if they continue to collect waste at the same rate, the landfill will be full in 2042. If more organics start being diverted there will be less waste going to the landfill and that is why there is a check-in point halfway through so the City can see the tonnage they are receiving.

Council Member T’Kach said PBL is not the only landfill, and some people want to know when it ends, and they start to reclaim the land and fix the pollution problems more aggressively. Once the landfill closes and is turned over to the State, it is a zero tax base for the City.

Janusz said there was a closed landfill program in the nineties that is no longer a program. PBL is responsible for the landfill and once it closes, there is another thirty years that they are responsible for taking care of the leachate, gas mitigation, ground water and other items. If something goes wrong when the landfill is closed, it is still there responsibility.

Council Member Murphy said the landfill is very complex and he does understand the need for it. Eventually, it cannot get any bigger and the time might be now. They recently received the copy of the Host Community Agreement. This is residents' compensation for hosting the landfill. The landfill started the landfill in the seventies and in the nineties, there was a change in zoning to prohibit landfills, giving the City some control. The Host Community Agreement was first put in place in the nineties as a way to compensate residents. In 2004 the Host Community agreement was renewed and extended the closure date to 2016. In 2008, the City renewed the contract again pushing the closure date to potentially 2030 and in 2018, they renewed the contract again which keeps the same end date of 2030. They are now looking at an end date of 2042. Roughly 90% of the material going into the landfill is from the entire metro area and roughly 40% is coming from Dakota County. Some of the smaller businesses may be at a disadvantage if they cannot renew a contract with Republic Services. There also seem to be compliance issues.

Council Member Murphy said he thought the Host community Agreement would have been better. Murphy said he would struggle presenting this to residents with a potential closure date of 2042 and would like more time to revisit the agreement and talk to residents about it.

Council Member Scales said requesting reports more than annually is a difficult task to put the data into a form that people outside of the industry can understand. Receiving the raw data will not be useful without having the report. Regardless of what the Council decides, the landfill will still be in Inver Grove Heights. Council Member Scales said he does not believe they have the authority to close the landfill, and the State would not permit the closure. They need to do what is best for the City for the long term. The date of closure is flexible based on when the landfill is full. If less waste is put into the landfill, it could be here for another 100 years. The end date is an anticipated end date based on the current rate they are receiving waste at the moment.

Council Member Scales said they can discuss the Host Community Agreement, and he would have liked to see it be a bit better. Overall Staff has done a good job putting it together.

Council Member T'Kach asked if there is a total tonnage that would be able to be added to the landfill that would be a better measure than an end date.

Janusz said they are maximizing the expansion to the highest point they can. Without the existing footprint expanding, they will not be able to go any higher.

Council Member T'Kach said she is ok with it being an amount as opposed to a date.

Janusz said they can only put so much in the area, and they are recreating the surface area they will fill over time.

Kraft said there is a design capacity and a density also. There is not a specific tonnage due to the variables.

Janusz said there is a certificate of need which is the State's process of determining how much waste is being generated in the metro area and where it is going. The State then determines how much waste each landfill in the area can receive. The State's numbers are based on tonnage. The annual report communicates how much tonnage they brought in, consumed and how much space is left.

Council Member T'Kach asked to confirm that they believe 1,100 feet is the tallest the landfill can be.

Janusz said the slope is a 3 to 1 slope and they cannot go any higher than 1,100 feet.

Council Member Murphy asked if the footprint has ever expanded and if there is something in place that would not allow Republic Services to request an expansion of the footprint.

Janusz said there are railroads on two sides of the landfill and the other sides are bordered by 117th Street and the Crosby site. The footprint cannot expand.

Mayor Dietrich asked if PBL could explain where the waste was coming from.

Janusz said 90% of the waste coming into the landfill is coming from the metro area. Of the 90%, 40% is coming from Dakota County.

Kraft said PBL is an asset of Republic Services, and they have several operations around the metro area. They are utilizing their asset from their other operations around the metro area.

Mayor Dietrich asked if there are any local Inver Grove Heights haulers that were being turned away.

Kraft said no, Inver Grove Sanitation is one company that is existing and using PBL. They have every opportunity to come to PBL. They have business negotiations from both sides and the respective parties make their decisions.

Council Member Murphy said he had asked the question earlier and received the response that Republic Services had to make the difficult business decision not to renew agreements to preserve airspace and asked if local haulers would not be included in those agreements.

Kraft said yes, they did decide to not renew agreements, but not with local haulers. It was with an REB in Newport where they were taking overflow waste from them. They are trying to preserve the airspace through the expansion process to protect the infrastructure onsite. Republic Services knew this decision would take time and made the decision to turn that volume away to preserve the airspace.

Council Member Murphy asked if the REB in Newport was a larger hauler.

Kraft said the Newport waste processor has a lot of overflow waste that needs to be landfilled.

Administrator Wilson said she is uncomfortable with the closure date being referred to casually. Staff worked hard on the negotiations to have a firm closure date in the Host Community Agreement. A future Council could extend the closure date if the landfill is not full. A new Host Agreement would need to be agreed upon to do so. Staff is not saying that

the closure date in the agreement is 100% final but the City has a substantial voice and say in extending the closure date and entering into another agreement.

Council Member Scales asked to clarify that they have already extended the agreement multiple times.

Administrator Wilson said yes, the agreement and closure dates have been extended previously.

Council Member Scales said there is a difference between volume and end dates and that is what brings them back to negotiations in the future.

Administrator Wilson said volume and end dates are two different things that are both capped. The agreement is based on whichever they reach first. A future Council could amend the agreements.

Attorney Nason said the current end date for PBL is 2030. If Council does not approve the expansion, there is a contractual obligation to cease operations when the volume is filled or 2030, whichever is first. The Host Community Agreement they are discussing has an end date of 2042. There was a question about where landfilling can occur. Landfilling can only occur on the lot one, block one of the landfill plat which is the existing sanitary landfill site. In addition to the geographical boundaries, the Non-Conforming Use Certificate specifically states that the boundary limitations of the landfill are block one, lot one of the plat. The other acreage and other lots cannot be used for sanitary landfill purposes. There is a negative declaration that has been recorded against some of the other properties that specifically states it cannot be used for solid waste disposal.

Council Member T'Kach said as a resident they have become addicted to the money coming from the Host Community Agreements. It has brought a lot of benefits to the community including the Community Center, infrastructure projects, etc. They are trying to be more frugal with their funds. There is no good answer for the City or the environment. There is an issue in America and Minnesota where we are not optimizing waste reduction and not commercializing proof of concept programs that are available across the country that do much better at getting towards zero waste. We are not doing a good job as residents, businesses and operators and need to look towards ourselves and the State to do something about it.

Mayor Dietrich said there are business and individuals that are doing very well and she does not want the blanket statement that they are not out there. The meeting tonight is about the action items and not a platform to discuss how they feel about this or how others are doing.

Council Member T'Kach said they have groundwater pollution and air pollution from the landfill gasses. In order to get past that they need to rethink how they are doing it and where the City invests. Council Member T'Kach said she would agree with a one week delay to review additional materials. They have the opportunity to do better and they should discuss what they should be doing so future Councils will not have the same issues that previous Councils have.

Council Member Murphy said understands the landfill is necessary and does not believe they could do much better as the City or Republic Services. Council Member Murphy said he is concerned with Inver Grove Heights being compensated fairly for hosting the landfill and extending the agreement to 2042 and he would like more time to revisit the Host Community Agreement with Staff to see if it could be made better.

Mayor Dietrich asked if Council agreed to take another week and asked PBL for an extension.

Attorney Nason said Council would need to ask for an extension for the deadline for Council to take final action on their land use applications.

Council Member Scales asked if they could act on any of the items or if they should all be moved together.

Administrator Wilson said she would recommend voting on all of the items at the same meeting.

Council Member Gliva asked if one week would be enough time.

Administrator Wilson said the land use applications like the zoning code amendment and the CUP have statutory deadlines. PBL has provided two extensions to the deadline so far. Council currently has until January 15, 2025 to act on the items. The items could be tabled until the next meeting and meet the deadline. If Council would need more time, PBL would need to provide another extension. If they need more time to consider and review the documents and talk to other people about the documents that may be able to be completed within one week. If Council finds the Host Community Agreement unacceptable and wants a different document for consideration, it will take more than one week to see if a different agreement can be reached.

Mayor Dietrich asked to confirm if Staff has been working on this agreement since June of 2024.

Administrator Wilson said Staff started meeting on the Host Community Agreement in July of 2024. If the Host Community Agreement is not satisfactory to the majority of Council, Administrator Wilson recommended appointing two Council Members to participate in the negotiations with the City Attorney and City Administrator. Staff has presented the best agreement that the current process will produce.

Mayor Dietrich asked if Council would discuss who the two representatives would be at this meeting.

Administrator Wilson said Council could discuss the representatives at this meeting. The items could be tabled until the next meeting and Council could take actions at that meeting to designate representatives to work on an improvement to the agreement. Staff can also take direction on the Conditional Use Permit if that is a concern of Council.

Council Member Murphy asked if the items are tabled for one week and decide who would participate in negotiations, if Republic Services did not approve extending the deadline, they would need to vote on the items.

Administrator Wilson said yes, that is correct.

Council Member T’Kach asked what the process would be to ask Republic Services to extend the deadline.

Administrator Wilson said representatives of the applicant are present and there would be a conversation between their attorney and the City’s attorney.

Council Member T’Kach asked if they could get an answer fairly quickly.

Administrator Wilson said yes, they would have an answer fairly quickly.

Motion to Table this item until Monday, January 13 by Murphy, second by T’Kach.

Ayes: 5

Nays: 0 Motion carried.

8. PUBLIC COMMENT:

D. CLOSED SESSION to Discuss Relations Matters

Mayor Dietrich, Council Members Murphy, Scales, Gliva and T’Kach, City Administrator Wilson and City Clerk Kiernan attended the Closed Session.

Motion to move into a closed session pursuant to Minnesota Statutes, Section 13D.03, subd. 1(b) to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals, conducted pursuant to sections 179A.01 to 179A.25; with International Union of Operating Engineers, Local 70 (representing the City’s Parks, Streets, Fleet and Facilities Maintenance Workers) by Scales, second by Gliva.

Ayes: 5

Nays: 0 Motion carried.

Motion to move into Open session by Scales, second by Gliva.

Ayes: 5

Nays: 0 Motion carried.

9. MAYOR AND COUNCIL COMMENTS:

10. ADJOURN:

Motion to Adjourn at 8:23 p.m. by Murphy, second by Scales.

Ayes: 5

Nays: 0 Motion carried.

Minutes prepared by Recording Secretary Sara Lyons